

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOHN R. WHITTINGTON,

Case No. 2:19-cv-02127-GMN-EJY

Petitioner,

v.

BRIAN E. WILLIAMS, SR., *et al.*,

## Respondents.

## ORDER DISMISSING ACTION

This case is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by John R. Whittington, a Nevada prisoner. Whittington submitted a habeas corpus petition, along with an application to proceed *in forma pauperis*, and a motion for appointment of counsel, on December 11, 2019 (ECF Nos. 1, 1-1, 1-2).

The application to proceed *in forma pauperis* is incomplete, in that it does not include the required financial certificate signed by a prison officer. See LSR 1-2. The Court will deny the application on that ground and will dismiss this case.

If Whittington wishes to pursue a federal habeas corpus action, he must initiate a new case by submitting his petition to this Court and either paying the \$5 filing fee or filing a fully completed application to proceed *in forma pauperis*, including the required financial certificate. Whittington should not include the above case number on the documents submitted to initiate a new case.

**IT IS THEREFORE ORDERED** that Petitioner's application to proceed *in forma pauperis* (ECF No. 1) is **DENIED**.

**IT IS FURTHER ORDERED** that this action is dismissed, without prejudice.

**IT IS FURTHER ORDERED** that Petitioner is denied a certificate of appealability.

1           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to enter  
2 judgment accordingly.

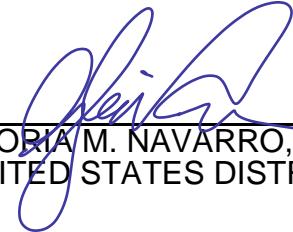
3           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send to  
4 Petitioner, along with a copy of this order, a copy of his habeas petition (ECF No. 1-1), a  
5 copy of his motion for appointment of counsel (ECF No. 1-2), and two copies of the form  
6 for a prisoner's application to proceed *in forma pauperis*, including the required financial  
7 certificate.

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9           DATED THIS 13 day of December, 2019.

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GLORIA M. NAVARRO,  
UNITED STATES DISTRICT JUDGE

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